

to be Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:		CHARTER REVIEW COMMISSION		Meeting Date		July 23, 2018		
Location		Mo‘ikeha Building, Meeting Room 2 A/B			Start of Meeting: 3:02 p.m.		End of Meeting: 4:15 p.m.	
Present		Chair Carol Suzawa. Vice Chair Jan TenBruggencate. Members: Marissa Sandblom, Virginia Kapali, and Ricky Watanabe. Also: Deputy County Attorney Sinclair Salas-Ferguson. Boards & Commissions Office Staff: Administrator Nicholas R. Courson and Administrative Specialist Lani Agoot.						
Excused		Galen Nakamura and Patrick Stack						
Absent								
SUBJECT		DISCUSSION				ACTION		
Call To Order						Chair Suzawa called the meeting to order at 3:02 p.m. with five members present which constituted a quorum.		
Communications		There were no communications.						
Approval of Minutes		<u>Open Session Minutes of May 21, 2018</u>				Ms. Kapali moved to approve the Open Session Minutes of May 21, 2018, as circulated. Mr. Watanabe seconded the motion. Motion carried 5:0.		
Business		<u>CRC 2018-01 Review and discussion of Voter Education explaining the County Charter Amendments Proposed in the 2018 General Election</u> Chair Suzawa stated that there were two suggested options (A and B) with regard to the Voter Education piece before the Commission for their review, and asked Administrator Nicholas Courson to clarify the difference between the two options and the document in their packet.						

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Courson clarified that the document in their packet was the Ramseyer version of the proposed Charter Amendments that would be posted on the County's website, and options A and B were for the Voter Education piece to be published once approved by the Commission. He explained that after meeting with the Chair and Vice Chair, he concluded that it was their desire that the Voter Education piece be simple; stating only the ballot question, the purpose, and the background without the Ramseyer portion. Mr. Courson further clarified that option A's heading contained the legal language pertaining to the proposed Charter Amendments, and option B's heading did not.</p> <p>Mr. TenBruggencate stated that he felt the legal notice could have the legal language, and the Voter Education piece should be simple and easy to read, like option B. He asked whether or not Council would oversee how their proposed amendment would read to which Mr. Courson stated that his office would leave that up to them. He added that historically, the Office of Boards and Commissions paid for the Voter Education piece and Council paid for the ballots.</p> <p>Mr. Watanabe stated that he preferred option A because of the legal aspects of the proposed amendments.</p> <p>Chair Suzawa suggested that because voters will be looking specifically for the ballot questions, the questions could be "boxed" so they would stand out more to which Mr. Courson said he thought that could be done.</p> <p>Mr. TenBruggencate asked how the Voter Education piece would be printed to which Mr. Courson clarified that the general rule of procurement would apply, which requires his office to get three bids and go with cheapest bid. He added that in 2016 the Voter Education piece was published in two media outlets and one of those outlets produced the stand-alone piece that was distributed to various locations throughout the island. Previous to that, the Voter Education piece was published in one media outlet, and a printing company was procured to produce the stand-alone piece for distribution.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. TenBruggencate suggested that the Voter Education piece include information that would direct the public to the County's website so they could see the Ramseyer version of the proposed Charter Amendments. Mr. Courson pointed out that that information was included in both option A and B, as well as on the back of each ballot envelope.</p> <p>Ms. Kapali stated that the heading on option A and B seemed redundant; however, she preferred option B and suggested using bold font for the ballot questions, and removing the proposed Charter Amendment titles in bold/underlined font.</p> <p>Mr. Salas-Ferguson said that Ms. Kapali's point regarding the heading was well taken and agreed the ballot question, the purpose, and the background are the necessary elements for the public.</p> <p>Mr. TenBruggencate asked the Commission if there were any objections to removing the proposed Charter Amendment titles and keeping only the ballot question to which there was none.</p> <p>Ms. Sandblom asked if there was a legal requirement regarding the structure of the Voter Education piece to which Mr. Courson said he was not aware of a legal requirement. He clarified that option A and B were composed using templates from past elections.</p> <p>Mr. Courson suggested if the Commission decided to instruct his office to remove the proposed Charter Amendment titles, that Deputy County Attorney Adam Roversi be consulted as to whether there is a purpose for the language.</p> <p>Ms. Sandblom suggested using option A, removing the bold/underlined proposed Charter Amendment titles, and to bold/underline the questions.</p>	<p>Mr. TenBruggencate moved to amend option A by removing the bold/underlined proposed</p>

SUBJECT	DISCUSSION	ACTION
	<p>With no further discussion, Chair Suzawa called for the vote on the main motion as amended.</p>	<p>Charter Amendment titles, and bold/underline/capitalize the ballot questions. Ms. Kapali seconded the motion.</p> <p>Ms. Kapali moved to amend the motion to include removing the bold font from the two legal sections. Mr. TenBruggencate seconded the motion. Motion carried 5:0.</p> <p>Motion carried 5:0.</p>
	<p><u>CRC 2018-02 Discussion of outreach for public education to include distribution points and media outlets</u></p> <p>Chair Suzawa asked Mr. Courson if the Voter Education piece would be included in the ballot envelopes to which he replied no; the only information regarding the proposed Charter Amendments would be the website information printed on the back of the envelopes. He said if the envelopes included the Voter Education piece, it could potentially raise the cost of postage, which was a concern raised by the Elections Division.</p> <p>Mr. TenBruggencate said if the Voter Education piece is well-distributed, then it is not necessary to include it in the ballot envelopes.</p> <p>Mr. Courson said in 2016 the Voter Education piece was published in The Garden Island Newspaper and the For Kaua'i magazine, and the cost was more than what his office budgeted</p>	

SUBJECT	DISCUSSION	ACTION
	<p>for publication; however, if the Commission wanted to publish in two media outlets, he would find the money to make that happen. Mr. TenBruggencate asked if bids would be obtained from The Garden Island, MidWeek, and For Kaua‘i to which Mr. Courson said yes. Ms. Kapali asked about social media such as Facebook to which Mr. Courson said he will coordinate with the County’s Public Information Officer to make sure it is on the County’s social media. He added that the Voter Education piece will also be on the Charter Review Commission’s webpage, as well as the Elections Division’s webpage.</p> <p>The Commission discussed the timeline for receiving Council’s proposed Charter Amendment and the publication date, and had concerns about there not being enough time to get the Voter Education piece out to the public in a timely fashion.</p> <p>Mr. Courson informed the Commission that the timeline his office and the County Clerk’s office agreed to is that the Voter Education piece has to be published not less than 30 days prior to the election, which would be October 5th; the language has to be finalized at least 30 days prior to October 5th, which is September 5th. He said based on the Commission’s discussion, he would contact the County Clerk to try and get their amendment language as soon as possible, and his office would make sure the Voter Education piece would be available to the public by October 5th.</p> <p>Chair Suzawa asked when the general election absentee ballots would be mailed out because the public would need the Voter Education piece before they received their ballot. Mr. Courson replied that according to his notes it should be around September 21st; federal guidelines suggest 30 to 45 days prior to the general election. Chair Suzawa said the October 5th date would be too late for those with absentee ballots, stating that there is a large absentee ballot population on Kaua‘i. She asked if the Voter Education piece could be ready before the public receives their absentee ballots to which Mr. Courson said if Council’s portion is ready, absolutely. He added that doing that may drive where the piece can be published; for example, in a monthly magazine.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Courson clarified that the timeline was based on past elections; however, he did see why the Commission would want the Voter Education piece to be published concurrent with voters receiving their absentee ballots. He said if the piece is finalized by the end of August and is published in For Kaua‘i, it could run in September or October depending on what the Commission wanted. Mr. TenBruggencate said it would also allow more time for the distribution of the Voter Education piece to the locations listed on the distribution list, adding that the overseas ballots go out 45 days prior to the general election, which is the middle of September, and the Hawai‘i ballots will go out 20-25 days before the election, which is approximately October 10th.</p> <p>Mr. Courson stated that he misread his notes and based on those dates, the original timeline is sufficient.</p> <p>Mr. TenBruggencate said that he felt the original timeline was still cutting it too close if Council didn’t get their amendment to the Office of Boards and Commissions before September 5th.</p> <p>Ms. Sandblom asked whether or not Council was close to having their language finalized to which Mr. TenBruggencate said they still needed a second reading on their resolution for their proposed Charter Amendment.</p> <p>Mr. Courson said he would find out what the drop-dead dates are to publish in the various media outlets which will help clarify the timeline, and did agree that the current timeline is probably too tight.</p> <p>Mr. Watanabe said he just spoke with Council Services and the resolution for the proposed Charter Amendment was approved.</p> <p>Mr. Courson stated that it was his goal to effectuate the Commission’s wishes and to stay within his budget; however, if the Commission wanted to, for example, publish in two media outlets,</p>	

SUBJECT	DISCUSSION	ACTION
	<p>he would find the money to make that happen. He clarified that the Charter only requires publication at least once in a generally circulated newspaper.</p> <p>Ms. Sandblom asked if the Voter Education language would be the same regardless of where it gets published to which Mr. TenBruggencate explained that the legal notice would be a summary which would be separate from the Voter Education piece published in one of the media outlets.</p> <p>Mr. Courson stated that the terms “legal notice” and “Voter Education” were functionally identical in 2016. He said the amended version of option A is the language he plans on publishing, regardless of which media outlet is used.</p> <p>Mr. TenBruggencate stated that his recollection was that in 2016, when the Commission made non-substantive changes to the Charter, they didn’t want to print the entire Charter because it would have been cost prohibitive and so they got permission to publish a summary version.</p> <p>Ms. Agoot shared the newspaper clipping from the 2016 general election with Mr. TenBruggencate, explaining that the Voter Education piece was published in The Garden Island Newspaper’s legal section, thereby labeling it a “legal notice.” She said it was the same language that was published in the For Kauai magazine and the stand-alone printed and distributed islandwide.</p> <p>Ms. Sandblom said she recalled there were community outreach meetings and wanted to know if that was something that happened in addition to the distribution list. Mr. Courson clarified that it was the Commission’s prerogative with regard to community outreach; however, his office would set up time with Ho’ike, which historically entailed an interview with the Chair and Vice Chair, as well as help coordinate any additional forms of community outreach the Commission wanted.</p> <p>Ms. Sandblom suggested adding the Contractors Association to the distribution list, and remove</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the KIUC Currents Magazine due to their publication deadlines.</p> <p>Mr. TenBruggencate said he felt the Commission should be proactive and offer to be available to meet with any agency that would like a brief explanation of the proposed Charter Amendments.</p> <p>Mr. Courson asked if Mr. TenBruggencate's intent is to reach out to the various organizations listed on the distribution list to see if they would like a brief presentation to which Mr. TenBruggencate clarified that he wouldn't necessarily ask, but offer in case they are interested.</p> <p>Ms. Sandblom asked how many stand-alone copies would be printed to which Mr. Courson said approximately 4,500.</p> <p>Chair Suzawa asked how many people voted on the 2016 Charter Amendments to which Mr. Courson said there were approximately 22,000 votes.</p> <p>With no further discussion, Chair Suzawa moved to the next agenda item.</p>	
Announcements	<u>Next Meeting: Monday, August 20, 2018, 3:00 p.m., in the Mo'ikeha Building, Meeting Room 2 A/B</u>	
Adjournment		<p>Mr. TenBruggencate moved to adjourn the meeting at 4:15 p.m. Mr. Watanabe seconded the motion. Motion carried 5:0.</p>

Submitted by: _____
Lani Agoot, Administrative Assistant

Reviewed and Approved by: _____
Carol Suzawa, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.